



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

230

CRM-M-27184-2026

Date of decision: 19.05.2026

OMKAR SINGH

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Aanand Kumar Maurya, Advocate for
Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. Nakul Sharma, Advocate
for the complainant.

SURYA PARTAP SINGH, J.

1. This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.110 dated 26.07.2025 for the commission of offence punishable under Sections 109, 304, 351(2), 351(3), 115(2), 191(3), 190 [Section 117(2) added later on] of Bharatiya Nyaya Sanhita and Sections 25, 27 of Arms Act, 1959, Police Station Cantt. Ferozepur, District Ferozepur.

2. Succinctly the facts projected by the prosecution are that, son of injured/complainant-Rajinder Singh was married with daughter of the



petitioner. According to the prosecution, the relation between the son of 'Rajinder Singh', namely 'Ramandeep Singh', with the daughter of the petitioner, namely 'Raminder Kaur Gill', became sour and there was a case filed by 'Raminder Kaur Gill' against 'Ramandeep Singh' and the complainant. According to the complainant, on 24.07.2025, he had visited the Court to attend proceedings in the abovementioned case and the Court posted the abovementioned case for next day, i.e. on 25.07.2025. According to complainant, on 24.07.2025, when he came out of the Court, the petitioner-Omkar Singh threatened him and demanded Rs.17,00,000/- for the compromise. According to complainant, it was also threatened by the petitioner that otherwise he would kill him.

3. It had further been alleged by the complainant that on 25.07.2025, he went to the Court compound to attend proceedings in Innova car, and that at 09:30 am, when he alighted from the abovesaid car at Muktsar-Ferozepur Road, and proceeded towards Court, the petitioner Omkar Singh and 5-6 unknown persons armed with baseball bat and iron rod came there. According to the complainant, petitioner-Omkar Singh picked up a pistol, kept below the belt, and on gunpoint threatened the complainant to stop. As per complainant, out of fear of being shot when he stopped, the petitioner exhorted to teach him a lesson. Thereafter, all the assailants attacked the complainant and with an intention to kill inflicted injuries on his person, including the injuries on his hands and legs. It was specifically mentioned by the complainant that during the course of incident, the petitioner placed the abovementioned pistol below the belt and then injured right knee of the petitioner with the help of iron rod.

4. Notice of motion.



5. Since advance notice has already been served upon the State, Mr. I.P.S. Sabharwal, DAG, Punjab, accepts notice on behalf of respondent-State. Hence, the service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However the learned State counsel has orally opposed the present petition.

6. Mr. Nakul Sharma, Advocate appears on behalf of complainant. He has filed Power of Attorney. The same be taken on record.

7. Heard.

8. It has been contended by learned counsel for the petitioner that the petitioner is a seventy year old person, who has already suffered incarceration for a period of four months and twenty five days. According to learned counsel for the petitioner although it has been alleged that the petitioner was carrying a firearm, but the contents of the FIR itself shows that the said firearm was not used. According to learned counsel for the petitioner, the investigation and trial are not likely to be concluded in near future, and that nothing has been left to be recovered from the possession of petitioner.

9. *Per contra* the learned State counsel being assisted by learned counsel for the complainant has contended that the petitioner is the person, who had earlier approached this Court for anticipatory bail but the above-mentioned concession was denied vide order dated 27.08.2025. According to learned State counsel the kind of injuries, which were inflicted on the person of victim by the complainant and his associates in itself speaks about the gravity of offence as the leg of the victim was fractured and that the seventy two year old victim is still not in a position to move.



10. The record has been perused carefully.

11. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -

- i) that the petitioner is already in custody for a period of more than four months and twenty five days;
- ii) that the petitioner is seventy year old person;
- iii) that the investigation in this case is already complete and therefore, nothing has been left to be recovered from the possession of petitioner;
- iv) that the trial is not likely to be concluded in near future
- v) that the victim/injured has already discharged from the hospital
- vi) that there is a reasonable doubt qua the claim of the petitioner regarding intention to kill the complainant;
- vii) that the petitioner has clean antecedents;
- viii) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- ix) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- x) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

12. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus



has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

13. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’ (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the



contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

14. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

15. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

16. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

17. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to



be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovesaid concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

19.05.2026

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No